

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Amendment of Part 97 of the Commission's)	
Amateur Radio Service Rules to Eliminate)	RM - 10786
Morse Code Proficiency Testing)	
For All Classes of Amateur Licenses)	
)	
To: The Commission)	

Comments Of Lloyd M. Mitchell, KD4HTW

The continued regulatory need for Morse proficiency tests as a requirement for any amateur radio license is no longer in accord with the purpose of the amateur radio Service and serves no legitimate regulatory purpose. The IARU recognizes that continuing Morse proficiency requirements is not in the best interest of the future of the amateur radio service. . Even the FCC mandated Morse requirement appears to be contrary to one of the commission's statutory mandate to serve the Amateur Radio Service.

In a 1998 rule change the Commission cited only one reason (WT Docket No. 98-143) for keeping *any* Morse testing at the time. The reason for that decision in that Proceeding no longer exists.

The Commission concluded in WT Docket No. 98-143 that the public interest will best be served by reducing the (Morse) telegraphy examination requirement to the minimum requirement that that meets the [ITU] Radio Regulations.

Since the Commission is no longer bound by a requirement in the ITU Radio Regulations it can, and should, act promptly to remove an unnecessary, restrictive requirement.

The Commission has the authority to amend its Part 97 rules to eliminate Morse proficiency requirements by expedited order, without formal notice and public input.

By granting NCI's Petition, a burden on applicants for amateur radio licenses would be removed, no additional requirement would be imposed, and therefore no party or other person would be prejudiced by such Commission action.

Granting this petition would be a wise, correct, and prudent decision on the Commission's part, because: as pointed out, it is clearly within the Commission's authority; it would save considerable drain on the Commission's limited and valuable resources in dealing with a matter that the Commission has already considered extensively; and, it would remove an unnecessary, restrictive burden, that the Commission has already determined does not comport with the purpose of the Amateur Radio Service and serves no regulatory purpose.

In addition, The Homeland Security issues of the United States would be better served by removing this Morse requirement. As the available ranks of qualified Amateurs licensed to use the HF bands would be increased to levels necessary in times of emergency and to serve the citizens of the United States.

Finally, The Commission should refrain from combining consideration of RM-10786 for the prompt elimination of Morse test requirements from its rules with other substantially unrelated issues such as, but not limited to, band segmentation, changes in the number of license classes,

sweeping changes in operator privileges by license class, etc., because I also believe that would result in unnecessary, protracted delay in resolving this important clear-cut issue.

In summary, for all of the reasons outlined and referenced herein, the Commission should enact the following changes to its rules *in the most expeditious manner possible*:

- (1) Eliminate the “Element 1” Morse test totally from the Commission’s rules for all license classes.
- (2) Since the only testing distinction between the Technician class and the (grandfathered) Technician Plus class is the “Element 1” Morse Test, modify, as a consequential and logical change, the privileges afforded to Technician class licensees to be equivalent to those currently afforded to Technician Plus licensees and “Technician with Morse credit” licensees.

Respectfully submitted,

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